



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,861	06/28/2001	Anthony F. Istvan	DIGE12366	5363

47053 7590 03/07/2007  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/895,861

Applicant(s)

ISTVAN ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11 & 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/7/2006, with respect to the independent claims have been fully considered and they are persuasive. Applicant's first argument, found on page 7 is that "the profile/settings in Ellis are related to individual items of television equipment, not to particular users... For example, if a parent uses the television in the children's room the profile for that television is the same as if the children were using that television... Accordingly, these profile/settings are not user objects as recited in the claims because the profile/settings are not associated with respective users of the access devices".

Examiner respectfully disagrees with scope of the claim argued by the applicant. The claims recite, 'a plurality of user objects that contain attributes and data related to respective users of the client systems'. It is agreed that the user objects must contain attributes and data related to particular users, but the claims do not restrict the user object from being also tied to a particular equipment. Therefore, even if the user object(s) in Ellis are associated with particular device(s), such a limitation do not eliminate them from also being associated with a particular user. This assertion is supported by the fact that Ellis labels the object with the name of the particular user, such as "Bobbi's Room", "Parent's Room", etc. (Fig. 11).

As for the further claimed feature that, ‘the user objects define interaction of the respective users with **the plurality of client systems**’, emphasis added. Even though Ellis defines user objects, the reference does not disclose that within a household, a particular user object is defined for interaction with its plurality of client systems. In other words, by only discussing the user objects within the context of being assigned to a particular location, such as “Parent’s Room” or “Bobbi’s Room”, the reference does not explicitly teach that within the household object, the respective users objects are defined for plurality of client systems instead of only at their particularly assigned location.

Nevertheless, examiner notes that Ellis does teach that a user may in fact access his/her user profile, i.e., user object from a location outside of the home; see page 26, lines 25-33. This teaching clearly provides that a user object may be defined with a plurality of client systems, but however teaches that the plurality of clients systems includes client systems not within the household, as required by the claim. Nevertheless, this disclosure on page 26, lines 25-34 of Ellis suggests that it would also be advantageous to enable the user objects to be defined within the plurality of client systems within a household. Horiwitz is relied upon to teach this feature, (col. 10, lines 45-67). Additional other references are also provided that teaches the feature of a plurality of user objects, i.e., user profiles by defined on each STB.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-8, 11, 14-18, 21-22 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, (WO 00/04707), in view of Horiwitz, (U.S. Pat # 6,785,901).

Considering claims 1, the claimed system for viewing multimedia content, the system comprising;

‘a communication network’, and ‘a content & a broadcast center coupled to the communication network’, reads on the disclosure in Ellis that a local network of user equipment (set top boxes 60-68 & 81-83), is connected to a CATV headend via a server 80; Fig. 5; page 18, lines 5-22. The CATV headend meets the claimed ‘broadcast center’ and is inherently connected to a plurality of ‘content sources’. Furthermore the CATV distribution system in Ellis reads on the claimed ‘communication network’.

‘a plurality of client systems coupled to the broadcast center, wherein the plurality of client systems is organized according to an object-oriented model in which logical software objects are instantiated in an object hierarchy, that includes; a household object that contains

Art Unit: 2623

attributes and data related to a household in which the clients systems are located'. The GUI shown in Fig. 11 & Figs. 18a&b disclose

'a plurality of user objects that contain attributes and data related to respective user of the client systems', reads on the profiles for each user of the system such for the parents and kids, page 24, lines 26-36; page 30, lines 1-23; page 33, lines 28-34 thru page 34, lines 1-15.

'wherein the user objects are contained in the household object and, when instantiated, the user objects define the interaction of the respective users with the plurality of client systems', also reads on the customized profiles, Ellis teaches that the user objects may be communicated to a plurality of locations within the household, (Fig. 3-5; Fig. 14; page 24, lines 7-32; page 26, lines 3-32; page 34, lines 1-15). However, Ellis does not explicitly disclose that a particular STB may be controlled by more than one user object. Nevertheless Horiwitz, which is in the same filed of endeavor discloses that it is advantageous to enable a plurality of different user (objects) to access a particular STB, col. 10, lines 32-54 & col. 11, lines 1-62. Horiwitz goes on to teach that the system is most effective when each user is required to log on the particular ST, col. 10, lines 54-67, thereby ensuring the identify the instant user (object).

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of enabling multiple users to access their profile, i.e., user object from each particular STB, since it was well known that multiple users are accessing programming content from the instant particular STB, as taught by Horiwitz.

Considering claims 4, 14 & 22, the claimed feature of the 'system being configured to be selectively accessed by a user to change a configuration of a user object, such that the system is configured to provide the change to all of the client systems without further activity from the user', is met by the combination of the disclosure of Ellis that a user may access his profile from a different computer and the teaching of Horiwitz that a plurality of user objects may be accessed from a particular STB within a household.

Considering claim 5, 15 & 24, in Ellis/Horiwitz any new STB added to the system, to which a user may access his profile by inputting the password, meets the claim. This is true since whenever the user logs onto the different STB, the profile is available, including any updates previous made to the user's profile. Therefore, the user object is made available without requiring input from the user.

Considering claims 6 & 16, Official Notice is taken that at the time the invention was made, it was well known the art for a user object to be active on multiple equipment devices, concurrently. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of enabling a user object, to be maintained concurrently on multiple equipment devices, at least for the desirable advantage of the user being able to share his/her profile/pretences with another user in a different location.

Art Unit: 2623

Considering claims 7 & 17, the claimed 'anonymous user object, such that the anonymous user object is configured to be accessible to all users', is met by the guest user object.

Considering claims 8 & 18, the claimed feature of the 'server operatively coupled to the access means, and configured to include information related to each user object', is met by the discussion in Ellis, that using the master device, the primary use may adjust the controls and settings for all of the other devices, see page 24, lines 8-35 thru page 25, lines 1-34.

In particular, both primary user equipment 60 and the server 80, read on the claimed server, (Figs. 3-5 & Fig. 7a; page 16, lines 17-35; page 18, lines 5-22; page 19, lines 17-35). The claimed feature of 'including information related to each user of the plurality of user objects', reads on the master device controlling all of the other devices.

Considering claim 11, the claimed system for viewing multimedia, the system comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated.

'distribution means for distributing multimedia content from a source', reads on the TVDF 38 in Ellis, (Fig. 1).



‘plurality of access means, communicatively coupled to the distribution means, for providing access to the multimedia content’, is met by the plurality of set top boxes 60-70 & 81-83, (Fig. 3-5; Fig. 7; page 16-19).

Considering amended claim 21, the claimed method for viewing content delivered to a client system, comprising method steps that correspond with subject matter mentioned above in the rejection of claims 1 & 11, are likewise treated.

‘associating plurality of client systems with a household’, is met by the disclosure of Ellis, (Fig. 3-5; Fig. 7; page 16-19).

‘delivering content from a content source via a communication network to at least one of plurality of clients systems’, is met by the disclosure of Ellis, page 12, lines 5-25.

4. Claims 9-10, 19-20 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis & Horiwitz, further in view of Goodman, (US-PGPUB 2006/0059253).

Considering claims 9-10, 19-20 & 23, even though Ellis teaches that the user may configure the system, the reference does not teach the claimed feature of maintaining a history, with corresponding sequence with respect to the configuration changes of the equipment. Nevertheless, Goodman which is in a similar field of endeavor, of local networked computing

Art Unit: 2623

devices, discloses maintaining the earlier version of a configuration, just in case the system need to revert back to instant earlier version, see Para [0170]-[0171] & [0233]-[0235]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the feature of managing the configuration of devices, such that the version numbers of configurations are kept, at least in the case that the system needs to be rolled back to the earlier version, as taught by Goodman, Para [0234].

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Goddard                      Discloses plurality of user objects on a plurality of client systems.
- B) Finseth                      Discloses a plurality of user objects at a particular STB.

Art Unit: 2623

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

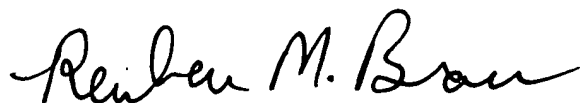
(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



**REUBEN M. BROWN**  
**PATENT EXAMINER**